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studies in the principles of international law were translated into French by the eminent scholar, E. Nys, and published at Brussels.

Westlake was a leading spirit in founding in 1869 *La Revue de Droit International* and, in 1873, the *Institute of International Law*, of which he was president in 1895 and became honorary president in 1900. He took an active and important part in many Continental meetings and conferences. Moreover, he extended to foreign scholars a most kindly, delightful and constant hospitality, ably assisted by Mrs. Westlake, at his London home, River House, on the Chelsea Embankment, and at his country house near St. Ives in his native Cornwall. The writer recalls with gratitude days of pleasure under his roof and long walks over the hillsides yellow with broom and purple with heather in which, even near the close of life, Dr. Westlake turned with unchanging zeal and undiminished power to the discussion of the principles of international law as he clearly saw and ardently advocated them. He must be regarded as a most potent and useful factor in assimilating English and Continental views and practice. Services of that sort have far more than local or temporary value. The translation of his work into the French tongue aids in that very purpose and the service of Dr. Goulé and the highly appreciative and discriminating preface of Professor de Lapradelle deserve the thanks of those who, like the writer, believe that uniformity of law is one of the important contributions to good will and the maintenance of good relations between nations.

It would be presumptuous to discuss the French of Dr. Goulé. The translation seems faithful. The index of the English edition, covering 35 pages, is necessarily rewritten and rearranged under different letters in the translation and appears as "Table Analytique." The tables of contents and of decisions cited are retained but are shifted from the beginning to the end of the volume in the translation.

CHARLES NOBLE GREGORY.

Les Conventions Internationales relatives à la compétence judiciaire et à l'Exécution des jugements. Paris: A. Pillet. 1913. pp. x, 401.

In the present volume the eminent Professor of the Faculty of Law of Paris treats of four international conventions now in force relating to the jurisdiction of courts, and to the enforcement of foreign judgments: The Franco-Italian treaty of March 24, 1760; the Franco-Baden treaty of April 16, 1846; the Franco-Swiss treaty of June 15, 1869; and the Franco-Belgian treaty of July 8, 1899. The object of the author in this

work is professedly a practical one and no attempt is made to establish a general theory with respect to the subject-matter in hand. Although the work appeals therefore primarily to the legal profession of the countries concerned, it contains also a lesson of great importance to all interested in the subject of private international law, which should serve as a warning to those who believe in international agreements as a panacea for the removal of all difficulties in the application of laws between the nations of the world. In view of the limited scope of the treaties and the extremely favorable conditions attending their conclusion, it would seem that their object should have been attainable with comparative ease. Concluded between countries whose private law rests substantially on the Code Napoléon, and whose basic principles in the conflict of laws governing the subject-matter under consideration are identical, Professor Pillet nevertheless has to admit that these treaties have not come up to the expectation entertained at the time of their making. "Instead of inaugurating among the peoples the reign of law," the learned author says, "we have ended by encumbering the archives of our courts with innumerable briefs. What better example of this fact could be cited than the treaty of 1869 concerning which, on many points, after forty years of constant application, we still ask what is its meaning, or again the treaty of 1899, which the very day after it went into effect showed enormous discordances and gave rise to controversies without end." Notwithstanding the disappointing result of these treaties, the illustrious professor does not suggest an abandonment of the attempt to reach an agreement in the conflict of laws by international conventions; he merely wishes to insist upon the fact that all progress in this direction will, in the nature of things, be very slow and be brought about only if the contracting parties have the same thoughts and intentions and succeed in expressing them in clearer and more concise language.

Viewed from the standpoint from which this work was written, it is admirably done. Under each treaty the author considers in detail its scope, both as to subject-matter and as to the persons who can invoke the treaty, and its relation to the common law of the countries concerned. The principles upon which the treaties are based and the qualifications and exceptions thereto are set forth with great clearness. In conformity with the practical aim in view, the author discusses under each treaty the adjudications by the courts of the contracting countries. Each decision is submitted to a critical examination which invariably

throws a flood of light upon the problem involved. Nor does Professor Pillet confine himself to a consideration of the questions actually raised or suggested by the adjudicated cases. On every hand he makes inquiries concerning the application of the ordinary rules of private international law with a view of determining whether an extensive interpretation should be given to the rule laid down in the treaty, or a limitation should be placed upon its apparent scope. The text of the treaties, the protocole drawn up by the plenipotentiaries who signed the Franco-Swiss treaty, and the message of the Federal Council of Switzerland to the High Federal Assembly concerning the Franco-Swiss treaty, are found in an appendix.

On account of the fundamental differences existing in the Continental and Anglo-American law with respect to the subject-matter of the treaties, little need be said concerning the actual content and nature of the problems raised by them. A general statement concerning the Franco-Swiss and the Franco-Belgian treaties, which are by far the most important ones of the treaties under discussion, must suffice. Both in the matter of jurisdiction and in the enforcement of foreign judgments they maintain the characteristic Continental point of view. The jurisdiction of the courts in personal causes of action is not left to the accident where personal service is made, but is fixed by law (domicile of the defendant, *lex loci contractus*, etc.). Personal service or submission to the jurisdiction of the court, on the other hand, is not insisted upon; it is sufficient if the defendant was duly cited before the court so as to have had an opportunity to defend the action.

In the enforcement of foreign judgments also radically different notions exist in the two systems of law. Under our law foreign judgments (including those of sister States) are never enforceable as such. Execution will issue only with respect to domestic judgments. Hence the necessity of a new suit and judgment based upon the foreign judgment before execution will lie. On the Continent a judgment constitutes no new cause of action. Foreign judgments, if enforceable at all, are enforceable as such. Execution, however, will issue only after an exequatur has been obtained from the proper tribunal. The conditions upon which a foreign judgment will be declared executory differ widely. The French courts, for example, will, in the absence of treaty, re-examine the merits of the foreign judgment before granting the exequatur. See Cassation, June 28, 1881 (Sirey, 1882, 1, 33); Cass. Feb. 9, 1892 (Sirey, 1892, 1, 201); Cass. Dec. 9, 1903 (Dalloz, 1906, 1, 354). Such re-

examination is excluded, however, by the treaties under consideration.

There are numerous and vital differences between the Franco-Swiss and the Franco-Belgian treaties. Only one of them need be noticed here. The Franco-Swiss treaty lays down common rules of jurisdiction for both countries, so that the same rule will govern, whether the suit is brought in the one country or in the other. The Franco-Belgian treaty, on the other hand, assimilates the subjects of the contracting parties juridically so that in the matter of jurisdiction the local law of each country, applicable to the subjects of such state, is applied also to the subjects of the other state. One rule may therefore govern the cases brought in the French courts and another rule those brought in the Belgian courts. Professor Pillet prefers the method adopted by the Franco-Swiss treaty, for the reason that the laying down of common rules carries out as far as possible the idea of equality and avoids unforeseen circumstances in the application of the treaty.

E. G. LORENZEN.

Aéronefs sanitaires et conventions de la Croix-Rouge. By Ch.-L. Julliot. Paris: A. Pedone. 1913. pp. 110.

The value of this brochure to the publicist is its objective completeness. M. Julliot devotes at least four-fifths of his space to the conditions confronted by the sanitary corps on the modern battlefield and the possibility of securing improvement by the employment of aircraft to find and to transport the wounded to central stations. He has not gone with any thoroughness into the legal problems involved in making the sanitary service three-dimensional, but has conscientiously sought out the practical difficulties of such a change and has offered at least a partial solution of them. Considering the thoroughness of his objective study, it is regrettable that he did not take the time to draft a project meeting the conditions to be realized in his opinion, and which might form the basis of examination by interested bodies.

M. Julliot has himself made several efforts to secure the adaptation of the Red Cross conventions to permit of the employment of aircraft, but the average reader will readily agree with the opinion that such adaptation is premature, an opinion officially expressed by the bureau of international unions of the French Ministry of Foreign Affairs in reply to a request for the convocation of a conference on the subject. Yet,